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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 285

Introduced by Assembly Member Gallagher

February 11, 2015

An act to amend Sections 6400, 6402, 6403, 6404, 6405, 6406, 6407, 6408, 6410, 6410.5, 22355, and 22457 of, ~~and to add Sections 6402.2 6401.7, 6402.2, and 6409.1 to, and to repeal Chapter 5.5 (commencing with Section 6400) of Division 3 of, the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 285, as amended, Gallagher. Professions and vocations: registration.

(1) Existing law defines and regulates the activities of legal document assistants and unlawful detainer assistants, as those terms are defined. Existing law requires a legal document assistant or unlawful detainer assistant to be registered in the county in which his or her principal place of business is located, which is deemed the primary place of registration, and in any other county in which he or she performs acts for which registration is required, which is deemed a secondary place of registration. A violation of this requirement is a misdemeanor.

Existing law prohibits a legal document assistant from providing self-help service, as defined, for compensation unless he or she is registered in the county in which his or her principal place of business is located and in any other county in which he or she performs acts for which registration is required. Existing law requires a county clerk to, among other things, issue an identification card to each registered legal document assistant and unlawful detainer assistant.

This bill would delete the requirement that a legal document assistant or an unlawful detainer assistant be registered in any other county in which he or she performs acts for which registration is required. The bill would also specify that a legal document assistant registered in the county in which his or her principal place of business is located and in which he or she maintains a branch office may provide self-help services in any part of this state. The bill would also delete references to primary and secondary places of registration.

(2) Existing law requires an applicant for registration as a legal document assistant to meet specified educational requirements. Existing law requires the county clerk to, among other things, return an application and fee to an applicant, along with notice indicating the reason for the denial and the method of appeal, if the clerk finds that the applicant has not complied with the educational requirements for registration as a legal document assistant.

This bill would additionally require an applicant for renewal of registration as a legal document assistant or unlawful detainer assistant to complete 15 hours of continuing legal education courses that meet specified requirements relating to attorneys during the 2-year period preceding renewal. The bill would require the applicant to state on his or her application for renewal, under penalty of perjury, that the applicant has completed the required continuing legal education courses. The bill would require the county clerk to return an application and fee to an applicant for renewal who fails to comply with this requirement.

By revising the duties of county clerks with respect to the renewal of registration of legal document assistants and unlawful detainer assistants, and by expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.

(3) Existing law provides for the renewal of registration of a legal document assistant or unlawful detainer assistant and requires the county clerk to assign the same registration number to a legal document assistant or an unlawful detainer assistant renewing his or her registration provided that there is no lapse in the period of registration.

Existing law defines and regulates the activities of process servers and professional photocopiers, as those terms are defined, including requiring a process server or professional photocopier to be registered, as specified. Existing law provides for the renewal of registration under these provisions and requires the county clerk to assign the same registration number to a process server or professional photocopier renewing his or her registration provided that there is no lapse in the period of registration.

This bill would instead require the county clerk to assign the same registration number to a registrant in any of the above-described professions, provided that *the applicant is renewing registration in the same county in which he or she was previously registered* and there is no lapse of three years or more in the period of registration.

By changing the process by which county clerks renew registration of legal document assistants, unlawful detainer assistants, process servers, and professional photocopiers, this bill would impose a state-mandated local program.

(4) Existing law requires a registered legal document assistant or unlawful detainer assistant to include his or her name, business address, telephone number, registration number, expiration date of the registration, and county of registration in any solicitation or advertisement, and on any papers or documents prepared or used by the registrant. A violation of this requirement is a misdemeanor.

This bill would delete the requirement that the expiration date of the registration appear on any papers or documents prepared or used by the registrant. The bill would also require the legal document assistant or unlawful detainer assistant to include his or her name, business address, telephone number, registration number, expiration date of the registration, and county of registration on a written contract for services required to be provided to a client, on any Internet Web site maintained by the registrant, and in any solicitation, advertisement, document, or correspondence prepared or used by the registrant in electronic form.

By changing the scope of a crime, this bill would impose a state-mandated local program.

(5) Existing law prescribes the proper county of venue in civil actions.

This bill, notwithstanding any other law, would provide that the proper venue in an action between a legal document assistant or unlawful detainer assistant and his or her client is the county in which the client has his or her primary residence. The bill would require a written contract entered into on or after January 1, 2016, between the legal

document assistant or unlawful detainer assistant and his or her client to include a statement to this effect and would make a contract voidable at the ~~clients~~ *client's* option for failure to comply with this requirement.

(6) Existing law requires a legal document assistant or unlawful detainer assistant to make specified statements to a prospective client *at the first in-person or telephonic solicitation* indicating that he or she is not a ~~lawyer~~ *lawyer*. *Existing law requires the legal document assistant or unlawful detainer assistant to make similar statements if the prospective client initiates the first contact* and authorizes the legal document assistant or unlawful detainer assistant to have the prospective client read and sign a “Notice to Consumer” indicating that the legal document assistant or unlawful detainer assistant has provided this information.

This bill would *recast these provisions and require a legal document assistant or unlawful detainer assistant to provide this information at the first contact with the prospective client, regardless of which party initiates. The bill would also require the legal document assistant or unlawful detainer assistant to provide the “Notice to Consumer,” as specified, after making these oral statement and before entering into a contract or agreement for services or accepting compensation and to translate the “Notice to Consumer” into the language principally used in any oral sales presentation or negotiation. The bill would additionally require the legal document assistant or unlawful detainer assistant to inform the prospective client of the county in which he or she, or the partnership or corporation, is registered, the registration number assigned by the county, and the expiration date of his or her, or of the partnership’s or corporation’s, current registration period. The bill would also require the written contract between the legal document assistant or unlawful detainer assistant to include the contact information of the county clerk’s office for the county in which the legal document assistant or unlawful detainer assistant is registered, as specified.* The bill would require the “Notice to Consumer” to include this information.

(7) *This bill would repeal the provisions regulating the activities of legal document assistants and unlawful detainer assistants as of January 1, 2021.*

~~(7)~~

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6400 of the Business and Professions
2 Code is amended to read:

3 6400. (a) “Unlawful detainer assistant” means any individual
4 who for compensation renders assistance or advice in the
5 prosecution or defense of an unlawful detainer claim or action,
6 including any bankruptcy petition that may affect the unlawful
7 detainer claim or action.

8 (b) “Unlawful detainer claim” means a proceeding, filing, or
9 action affecting rights or liabilities of any person that arises under
10 Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of
11 the Code of Civil Procedure and that contemplates an adjudication
12 by a court.

13 (c) “Legal document assistant” means:

14 (1) Any person who is not exempted under Section 6401 and
15 who provides, or assists in providing, or offers to provide, or offers
16 to assist in providing, for compensation, any self-help service to
17 a member of the public who is representing himself or herself in
18 a legal matter, or who holds himself or herself out as someone who
19 offers that service or has that authority. This paragraph does not
20 apply to any individual whose assistance consists merely of
21 secretarial or receptionist services.

22 (2) A corporation, partnership, association, or other entity that
23 employs or contracts with any person not exempted under Section
24 6401 who, as part of his or her responsibilities, provides, or assists
25 in providing, or offers to provide, or offers to assist in providing,
26 for compensation, any self-help service to a member of the public
27 who is representing himself or herself in a legal matter or holds
28 himself or herself out as someone who offers that service or has
29 that authority. This paragraph does not apply to an individual

1 whose assistance consists merely of secretarial or receptionist
2 services.

3 (d) “Self-help service” means all of the following:

4 (1) Completing legal documents in a ministerial manner, selected
5 by a person who is representing himself or herself in a legal matter,
6 by typing or otherwise completing the documents at the person’s
7 specific direction.

8 (2) Providing general published factual information that has
9 been written or approved by an attorney, pertaining to legal
10 procedures, rights, or obligations to a person who is representing
11 himself or herself in a legal matter, to assist the person in
12 representing himself or herself. This service in and of itself, shall
13 not require registration as a legal document assistant.

14 (3) Making published legal documents available to a person
15 who is representing himself or herself in a legal matter.

16 (4) Filing and serving legal forms and documents at the specific
17 direction of a person who is representing himself or herself in a
18 legal matter.

19 (e) “Compensation” means money, property, or anything else
20 of value.

21 (f) A legal document assistant, including any legal document
22 assistant employed by a partnership or corporation, shall not
23 provide any self-help service for compensation, unless the legal
24 document assistant is registered pursuant to Section 6402.

25 (g) A legal document assistant may not provide any kind of
26 advice, explanation, opinion, or recommendation to a consumer
27 about possible legal rights, remedies, defenses, options, selection
28 of forms, or strategies. A legal document assistant shall complete
29 documents only in the manner prescribed by paragraph (1) of
30 subdivision (d).

31 *SEC. 2. Section 6401.7 is added to the Business and Professions*
32 *Code, to read:*

33 *6401.7. This chapter shall remain in effect only until January*
34 *1, 2021, and as of that date is repealed.*

35 ~~SEC. 2.~~

36 *SEC. 3. Section 6402 of the Business and Professions Code is*
37 *amended to read:*

38 *6402. A legal document assistant or unlawful detainer assistant*
39 *shall be registered pursuant to this chapter by the county clerk in*
40 *the county in which his or her principal place of business is located,*

1 and in which he or she maintains a branch office, and provide proof
2 that the registrant has satisfied the bonding requirement of Section
3 6405. No person who has been disbarred or suspended from the
4 practice of law pursuant to Article 6 (commencing with Section
5 6100) of Chapter 4 may, during the period of any disbarment or
6 suspension, register as a legal document assistant or unlawful
7 detainer assistant. The Department of Consumer Affairs shall
8 develop the application required to be completed by a person for
9 purposes of registration as a legal document assistant. The
10 application shall specify the types of proof that the applicant shall
11 provide to the county clerk in order to demonstrate the
12 qualifications and requirements of Section 6402.1.

13 ~~SEC. 3.~~

14 *SEC. 4.* Section 6402.2 is added to the Business and Professions
15 Code, to read:

16 6402.2. To be eligible to renew registration under this chapter,
17 the registrant shall complete 15 hours of continuing legal education
18 courses, which meet the requirements of Section 6070, during the
19 two-year period preceding ~~renewal~~ *renewal*.

20 ~~SEC. 4.~~

21 *SEC. 5.* Section 6403 of the Business and Professions Code is
22 amended to read:

23 6403. (a) The application for registration of a natural person
24 shall contain all of the following statements about the applicant:

- 25 (1) Name, age, address, and telephone number.
26 (2) Whether he or she has been convicted of a felony, or of a
27 misdemeanor under Section 6126 or 6127, or found liable under
28 Section 6126.5.
29 (3) Whether he or she has been held liable in a civil action by
30 final judgment or entry of a stipulated judgment, if the action
31 alleged fraud, the use of an untrue or misleading representation,
32 or the use of an unfair, unlawful, or deceptive business practice.
33 (4) Whether he or she has ever been convicted of a misdemeanor
34 violation of this chapter.
35 (5) Whether he or she has had a civil judgment entered against
36 him or her in an action arising out of the applicant's negligent,
37 reckless, or willful failure to properly perform his or her obligation
38 as a legal document assistant or unlawful detainer assistant.
39 (6) Whether he or she has had a registration revoked pursuant
40 to Section 6413.

1 (7) If the application is for a renewal of registration, a statement
2 by the applicant that he or she has completed the legal education
3 courses required by Section 6402.2.

4 (b) The application for registration of a natural person shall be
5 accompanied by the display of personal identification, such as a
6 California driver's license, birth certificate, or other identification
7 acceptable to the county clerk to adequately determine the identity
8 of the applicant.

9 (c) The application for registration of a partnership or
10 corporation shall contain all of the following statements about the
11 applicant:

12 (1) The names, ages, addresses, and telephone numbers of the
13 general partners or officers.

14 (2) Whether the general partners or officers have ever been
15 convicted of a felony, or a misdemeanor under Section 6126 or
16 6127, or found liable under Section 6126.5.

17 (3) Whether the general partners or officers have ever been held
18 liable in a civil action by final judgment or entry of a stipulated
19 judgment, if the action alleged fraud, the use of an untrue or
20 misleading representation, or the use of an unfair, unlawful, or
21 deceptive business practice.

22 (4) Whether the general partners or officers have ever been
23 convicted of a misdemeanor violation of this chapter.

24 (5) Whether the general partners or officers have had a civil
25 judgment entered against them in an action arising out of a
26 negligent, reckless, or willful failure to properly perform the
27 obligations of a legal document assistant or unlawful detainer
28 assistant.

29 (6) Whether the general partners or officers have ever had a
30 registration revoked pursuant to Section 6413.

31 (7) If the application is for a renewal of registration, a statement
32 by the applicant that the individuals performing legal document
33 assistant or unlawful detainer assistant services have completed
34 the legal education courses required by Section 6402.2.

35 (d) The applications made under this section shall be made under
36 penalty of perjury.

37 (e) The county clerk shall retain the application for registration
38 for a period of three years following the expiration date of the
39 application, after which time the application may be destroyed if
40 it is scanned or if the conditions specified in Section 26205.1 of

1 the Government Code are met. If the application is scanned, the
2 scanned image shall be retained for a period of 10 years, after
3 which time that image may be destroyed and, notwithstanding
4 Section 26205.1 of the Government Code, no reproduction thereof
5 need be made or preserved.

6 ~~SEC. 5.~~

7 *SEC. 6.* Section 6404 of the Business and Professions Code is
8 amended to read:

9 6404. An applicant shall pay a fee of one hundred seventy-five
10 dollars (\$175) to the county clerk at the time he or she files an
11 application for initial registration or renewal of registration. An
12 additional fee of ten dollars (\$10) shall be paid to the county clerk
13 for each additional identification card.

14 ~~SEC. 6.~~

15 *SEC. 7.* Section 6405 of the Business and Professions Code is
16 amended to read:

17 6405. (a) (1) An application for a certificate of registration
18 by an individual shall be accompanied by a bond of twenty-five
19 thousand dollars (\$25,000) executed by a corporate surety qualified
20 to do business in this state and conditioned upon compliance with
21 this chapter. The total aggregate liability on the bond shall be
22 limited to twenty-five thousand dollars (\$25,000).

23 (2) An application for a certificate of registration by a
24 partnership or corporation shall be accompanied by a bond executed
25 by a corporate surety qualified to do business in this state and
26 conditioned upon compliance with this chapter in the following
27 amount, based on the total number of legal document assistants
28 and unlawful detainer assistants employed by the partnership or
29 corporation:

30 (A) Twenty-five thousand dollars (\$25,000) for one to four
31 assistants.

32 (B) Fifty thousand dollars (\$50,000) for five to nine assistants.

33 (C) One hundred thousand dollars (\$100,000) for 10 or more
34 assistants. An application for a certificate of registration by a
35 person employed by a partnership or corporation shall be
36 accompanied by a bond of twenty-five thousand dollars (\$25,000)
37 only if the partnership or corporation has not posted a bond in the
38 amount required by this subdivision.

39 (3) If a partnership or corporation increases the number of
40 assistants it employs above the number stated in its application for

1 a certificate of registration, the partnership or corporation shall
2 promptly increase the bond to the applicable amount in
3 subparagraphs (B) or (C) of paragraph (2) based on the actual
4 number of assistants it employs, and shall promptly submit the
5 increased bond to the county clerk.

6 (4) The bond may be terminated pursuant to Section 995.440
7 of, and Article 13 (commencing with Section 996.310) of Chapter
8 2 of Title 14 of Part 2 of, the Code of Civil Procedure.

9 (b) The county clerk shall, upon filing of the bond, deliver the
10 bond forthwith to the county recorder for recording. The recording
11 fee specified in Section 27361 of the Government Code shall be
12 paid by the registrant. The fee may be paid to the county clerk who
13 shall transmit it to the recorder.

14 (c) The fee for filing, canceling, revoking, or withdrawing the
15 bond is seven dollars (\$7).

16 (d) The county recorder shall record the bond and any notice
17 of cancellation, revocation, or withdrawal of the bond, and shall
18 thereafter mail the instrument, unless specified to the contrary, to
19 the person named in the instrument and, if no person is named, to
20 the party leaving it for recording. The recording fee specified in
21 Section 27361 of the Government Code for notice of cancellation,
22 revocation, or withdrawal of the bond shall be paid to the county
23 clerk, who shall transmit it to the county recorder.

24 (e) In lieu of the bond required by subdivision (a), a registrant
25 may deposit the amount required by subdivision (a) in cash with
26 the county clerk.

27 (f) If the certificate is revoked, the bond or cash deposit shall
28 be returned to the bonding party or depositor subject to subdivision
29 (g) and the right of a person to recover against the bond or cash
30 deposit under Section 6412.

31 (g) The county clerk may retain a cash deposit until the
32 expiration of three years from the date the registrant has ceased to
33 do business, or three years from the expiration or revocation date
34 of the registration, in order to ensure there are no outstanding
35 claims against the deposit. A judge may order the return of the
36 deposit prior to the expiration of three years upon evidence
37 satisfactory to the judge that there are no outstanding claims against
38 the deposit.

39 (h) The bond required by this section shall be in favor of the
40 State of California for the benefit of any person who is damaged

1 as a result of the violation of this chapter or by the fraud,
2 dishonesty, or incompetency of an individual, partnership, or
3 corporation registered under this chapter. The bond required by
4 this section shall also indicate the name of the county in which it
5 will be filed.

6 ~~SEC. 7.~~

7 *SEC. 8.* Section 6406 of the Business and Professions Code is
8 amended to read:

9 6406. (a) If granted, a certificate of registration shall be
10 effective for a period of two years, until the date the bond expires,
11 or until the total number of legal document assistants and unlawful
12 detainer assistants employed by a partnership or corporation
13 exceeds the number allowed for the amount of the bond in effect,
14 whichever occurs first. Thereafter, a registrant shall file a new
15 certificate of registration or a renewal of the certificate of
16 registration and pay the fee required by Section 6404, and increase
17 the amount of the bond if required to comply with subdivision (a)
18 of Section 6405. A certificate of registration that is currently
19 effective may be renewed up to 60 days prior to its expiration date
20 and the effective date of the renewal shall be the date the current
21 registration expires. The renewal shall be effective for a period of
22 two years from the effective date or until the expiration date of the
23 bond, or until the total number of legal document assistants and
24 unlawful detainer assistants employed by a partnership or
25 corporation exceeds the number allowed for the dollar amount of
26 the bond in effect, whichever occurs first.

27 (b) Except as provided in subdivisions (d) to (f), inclusive, an
28 applicant shall be denied registration or renewal of registration if
29 the applicant has been any of the following:

30 (1) Convicted of a felony, or of a misdemeanor under Section
31 6126 or 6127, or found liable under Section 6126.5.

32 (2) Held liable in a civil action by final judgment or entry of a
33 stipulated judgment, if the action alleged fraud, or the use of an
34 untrue or misleading representation, or the use of an unfair,
35 unlawful, or deceptive business practice.

36 (3) Convicted of a misdemeanor violation of this chapter.

37 (4) Had a civil judgment entered against him or her in an action
38 arising out of the applicant's negligent, reckless, or willful failure
39 to properly perform his or her obligation as a legal document
40 assistant or unlawful detainer assistant.

1 (5) Had his or her registration revoked pursuant to Section 6413.

2 (c) If the county clerk finds that the applicant has failed to
3 demonstrate having met the requisite requirements of Section 6402,
4 6402.1, or 6402.2, or that any of the paragraphs of subdivision (b)
5 apply, the county clerk, within three business days of submission
6 of the application and fee, shall return the application and fee to
7 the applicant with a notice to the applicant indicating the reason
8 for the denial and the method of appeal.

9 (d) The denial of an application may be appealed by the
10 applicant by submitting, to the director, the following:

11 (1) The completed application and notice from the county clerk
12 specifying the reasons for the denial of the application.

13 (2) A copy of any final judgment or order that resulted from
14 any conviction or civil judgment listed on the application.

15 (3) Any relevant information the applicant wishes to include
16 for the record.

17 (e) The director shall order the applicant's certificate of
18 registration to be granted if the director determines that the issuance
19 of a certificate of registration is not likely to expose consumers to
20 a significant risk of harm based on a review of the application and
21 any other information relating to the applicant's unlawful act or
22 unfair practice described in paragraphs (1) to (5), inclusive, of
23 subdivision (b). The director shall order the applicant's certificate
24 of registration to be denied if the director determines that issuance
25 of a certificate of registration is likely to expose consumers to a
26 significant risk of harm based on a review of the application and
27 any other information relating to the applicant's unlawful act or
28 unfair practice described in paragraphs (1) to (5), inclusive, of
29 subdivision (b). The director shall send to the applicant and the
30 county clerk a written decision listing the reasons registration shall
31 be granted or denied within 30 days of the submission of the matter.

32 (f) If the director orders that the certificate of registration be
33 granted, the applicant may resubmit the application, with the
34 appropriate application fee and the written decision of the director.
35 The county clerk shall grant the certificate of registration to the
36 applicant within three business days of being supplied this
37 information.

38 ~~SEC. 8.~~

39 *SEC. 9.* Section 6407 of the Business and Professions Code is
40 amended to read:

1 6407. (a) The county clerk shall maintain a register of legal
2 document assistants, and a register of unlawful detainer assistants,
3 assign a unique number to each legal document assistant, or
4 unlawful detainer assistant, and issue an identification card to each
5 one. Upon renewal of registration, the same number shall be
6 assigned, provided *that the applicant is renewing registration in*
7 *the same county in which he or she was previously registered and*
8 there is no lapse of three or more years in the period of registration.

9 (b) The identification card shall be a card not less than ~~3~~³/₄ *three*
10 *and one-quarter* by ~~2~~ *two* inches, and shall contain at the top, the
11 title “Legal Document Assistant” or “Unlawful Detainer Assistant,”
12 as appropriate, followed by the registrant’s name, address,
13 registration number, date of expiration, and county of registration.
14 It shall also contain a photograph of the registrant in the lower left
15 corner. The identification card for a partnership or corporation
16 registration shall be issued in the name of the partnership or
17 corporation, and shall not contain a photograph. The front of the
18 card, above the title, shall also contain the following statement in
19 12-point boldface type: “This person is not a lawyer.” The front
20 of the card, at the bottom, shall also contain the following statement
21 in 12-point boldface type: “The county clerk has not evaluated this
22 person’s knowledge, experience, or services.”

23 ~~SEC. 9.~~

24 ~~SEC. 10.~~ Section 6408 of the Business and Professions Code
25 is amended to read:

26 6408. The registrant’s name, business address, telephone
27 number, registration number, and county of registration shall appear
28 in any solicitation or advertisement, and on any printed papers or
29 documents prepared or used by the registrant, including, but not
30 limited to, contracts, letterhead, business cards, correspondence,
31 documents, forms, claims, petitions, checks, receipts, and
32 pleadings. The registrant’s name, business address, telephone
33 number, registration number, expiration date of the registration,
34 and county of registration shall appear on the written contract
35 required to be provided to a client pursuant to Section 6410, as
36 well as on any Internet Web site maintained by the registrant, and
37 in any solicitation, advertisement, document, or correspondence
38 prepared or used by the registrant in electronic form.

1 ~~SEC. 10.~~

2 ~~SEC. 11.~~ Section 6409.1 is added to the Business and
3 Professions Code, to read:

4 6409.1. Notwithstanding any other law, the venue for an action
5 arising out of a dispute between a legal document assistant or
6 unlawful detainer assistant and his or her client shall be the county
7 in which the client has his or her primary residence.

8 ~~SEC. 11.~~

9 ~~SEC. 12.~~ Section 6410 of the Business and Professions Code
10 is amended to read:

11 6410. (a) Every legal document assistant or unlawful detainer
12 assistant who enters into a contract or agreement with a client to
13 provide services shall, prior to providing any services, provide the
14 client with a written contract, the contents of which shall be
15 prescribed by regulations adopted by the Department of Consumer
16 Affairs.

17 (b) The written contract shall include all of the following
18 provisions:

19 (1) The services to be performed.

20 (2) The costs of the services to be performed.

21 (3) *The contact information of the county clerk's office for the*
22 *county in which the legal document assistant or unlawful detainer*
23 *assistant is registered, including the address, phone number, and,*
24 *if available, Internet Web site.*

25 ~~(3)~~

26 (4) There shall be printed on the face of the contract in 12-point
27 boldface type a statement that the legal document assistant or
28 unlawful detainer assistant is not an attorney and may not perform
29 the legal services that an attorney performs.

30 ~~(4)~~

31 (5) The contract shall contain a statement in 12-point boldface
32 type that the county clerk has not evaluated or approved the
33 registrant's knowledge or experience, or the quality of the
34 registrant's services.

35 ~~(5)~~

36 (6) The contract shall contain a statement in 12-point boldface
37 type that the consumer may obtain information regarding free or
38 low-cost representation through a local bar association or legal aid
39 foundation and that the consumer may contact local law
40 enforcement, a district attorney, or a legal aid foundation if the

1 consumer believes that he or she has been a victim of fraud, the
2 unauthorized practice of law, or any other injury.

3 ~~(6)~~

4 (7) The contract shall contain a statement in 12-point boldface
5 type that a legal document assistant or unlawful detainer assistant
6 is not permitted to engage in the practice of law, including
7 providing any kind of advice, explanation, opinion, or
8 recommendation to a consumer about possible legal rights,
9 remedies, defenses, options, selection of forms, or strategies.

10 (c) The contract shall be written both in English and in any other
11 language comprehended by the client and principally used in any
12 oral sales presentation or negotiation leading to execution of the
13 contract. The legal document assistant or the unlawful detainer
14 assistant is responsible for translating the contract into the language
15 principally used in any oral sales presentation or negotiation
16 leading to the execution of the contract.

17 (d) A written contract entered into on or after January 1, 2016,
18 shall contain a statement that, pursuant to Section 6409.1, the venue
19 for an action arising out of a dispute between a legal document
20 assistant or unlawful detainer assistant and his or her client shall
21 be the county in which the client has his or her primary residence.

22 (e) Failure of a legal document assistant or unlawful detainer
23 assistant to comply with subdivisions (a), (b), (c), and (d) shall
24 make the contract or agreement for services voidable at the option
25 of the client. Upon the voiding of the contract, the legal document
26 assistant or unlawful detainer assistant shall immediately return
27 in full any fees paid by the client.

28 (f) In addition to any other right to rescind, the client shall have
29 the right to rescind the contract within 24 hours of the signing of
30 the contract. The client may cancel the contract by giving the legal
31 document assistant or the unlawful detainer assistant any written
32 statement to the effect that the contract is canceled. If the client
33 gives notice of cancellation by mail addressed to the legal
34 document assistant or unlawful detainer assistant, with first-class
35 postage prepaid, cancellation is effective upon the date indicated
36 on the postmark. Upon the voiding or rescinding of the contract
37 or agreement for services, the legal document assistant or unlawful
38 detainer assistant shall immediately return to the client any fees
39 paid by the client, except fees for services that were actually,
40 necessarily, and reasonably performed on the client's behalf by

1 the legal document assistant or unlawful detainer assistant with
2 the client's knowing and express written consent. The requirements
3 of this subdivision shall be conspicuously set forth in the written
4 contract.

5 ~~SEC. 12.~~

6 *SEC. 13.* Section 6410.5 of the Business and Professions Code
7 is amended to read:

8 6410.5. (a) It is unlawful for any legal document assistant or
9 unlawful detainer assistant, in the first-in-person or telephonic
10 ~~solicitation of contact with~~ a prospective client of legal document
11 or unlawful detainer assistant services, to enter into a contract or
12 agreement for services or accept any compensation unless the legal
13 document assistant or the unlawful detainer assistant states orally,
14 clearly, affirmatively and expressly all of the following, before
15 making any other statement, except statements required by law in
16 telephonic or home solicitations, and a greeting, or asking the
17 prospective client any questions:

18 (1) The identity of the person making the solicitation.

19 (2) The trade name of the person represented by the person
20 making the solicitation, if any.

21 (3) The kind of services being offered for sale.

22 (4) The statement: "I am not an attorney" and, if the person
23 offering legal document assistant or unlawful detainer assistant
24 services is a partnership or a corporation, or uses a fictitious
25 business name, "[name] is not a law firm. I/we cannot represent
26 you in court, advise you about your legal rights or the law, or select
27 legal forms for you."

28 (5) The county in which the legal document assistant or unlawful
29 detainer assistant is registered and his or her registration number.

30 (6) The expiration date of the legal document assistant's or
31 unlawful detainer assistant's current registration period.

32 (b) ~~If the first contact between a legal document assistant or an~~
33 ~~unlawful detainer assistant and a prospective client is initiated by~~
34 ~~the prospective client, it is unlawful for~~ *After the legal document*
35 *assistant or unlawful detainer assistant makes the oral statements*
36 *required pursuant to subdivision (a), and before the legal document*
37 ~~assistant or unlawful detainer assistant to enter enters~~ into a
38 contract or agreement for services or accept any compensation
39 ~~unless the legal document assistant or the unlawful detainer~~
40 ~~assistant states orally, clearly, affirmatively and expressly, during~~

1 that first contact, and before offering any contract or agreement
2 for services to the prospective client, the following: “I am not an
3 attorney [and, if the person offering legal document assistant or
4 unlawful detainer assistant services is a partnership or a
5 corporation, or uses a fictitious business name, “[name] is not a
6 law firm.”] [I/We] cannot (1) represent you in court, (2) advise
7 you about your legal rights or the law, or (3) select legal forms for
8 you.” The legal document assistant or the unlawful detainer
9 assistant shall also inform the prospective client of the county in
10 which he or she, or the partnership or corporation, is registered,
11 the registration number assigned by the county, and the expiration
12 date of his or her, or of the partnership’s or corporation’s, current
13 registration period. After making this statement, and before offering
14 the prospective client a contract or agreement for services, a legal
15 document assistant or unlawful detainer assistant who has made
16 the statement in accordance with this subdivision may ask the
17 prospective client to read the *compensation, the legal document*
18 *assistant or unlawful detainer assistant shall provide the*
19 *prospective client with a “Notice to Consumer” set forth below,*
20 *and after below. After allowing the prospective client time to read*
21 *the notice, may the legal document assistant or unlawful detainer*
22 *assistant shall ask the prospective client to sign and date the notice.*
23 *If the first contact is not in person, the legal document assistant*
24 *or unlawful detainer assistant shall provide the notice to the*
25 *prospective client at the first in-person meeting or mail the notice*
26 *to the prospective client before entering into a contract or*
27 *agreement for services or accepting any compensation.* The notice
28 shall be set forth in black, bold, ~~14-point~~ 12-point type on a
29 separate, white, 8½ by 11 inch sheet of paper which contains no
30 other print or graphics, and shall be in the following form. The
31 notice shall contain only the appropriate name or other designation
32 from those indicated in brackets below. At the time a prospective
33 client signs the notice and before that prospective client is offered
34 any contract or agreement for signature, the legal document
35 assistant or unlawful detainer assistant shall give the prospective
36 client a clearly legible copy of the signed notice. A legal document
37 assistant or unlawful detainer assistant shall not ask or require a
38 prospective client or a client to sign any other form of
39 acknowledgment regarding this notice.

1 NOTICE TO CONSUMER

2
3 DO NOT SIGN ANYTHING BEFORE YOU READ THIS PAGE4
5 In the first conversation when you contacted [the unlawful detainer
6 assistant or the legal document assistant], did [he or she] explain7
89 [Name of unlawful detainer assistant or legal document assistant]
10 is not an attorney.11
12 [Name of corporation or partnership, if any, that is offering legal
13 document assistant services or unlawful detainer assistant services]
14 is not a law firm.15
16 [He/she/name of the business] cannot represent you in court.17
18 [He/she/name of the business] cannot advise you about your legal
19 rights or the law.20
21 [He/she/name of the business] cannot select legal forms for you.22
23 [He/she/name of the business] is registered in [county name] and
24 the registration number is [registration number].25
26 [He/she/name of the business]'s registration is valid until [date of
27 expiration of registration], after which it must be renewed.28
29 *To confirm that [he/she/name of business] is registered, you may*
30 *contact the [county name] clerk's office at [office address], [or]*
31 *[office phone number], [or] [if available, office Internet Web site].*32
33 Choose one:34
35 Yes, [he/she] explained.

36 No, [he/she] did not explain.

37
38 Date:39
40 Signature:

1 (c) *The legal document assistant or unlawful detainer assistant*
2 *shall be responsible for translating, if necessary, the "Notice to*
3 *Consumer" required pursuant to subdivision (b) into the language*
4 *principally used in any oral sales presentation or negotiation.*

5 ~~SEC. 13.~~

6 SEC. 14. Section 22355 of the Business and Professions Code
7 is amended to read:

8 22355. (a) The county clerk shall maintain a register of process
9 servers and assign a number and issue an identification card to
10 each process server. The county clerk shall issue a temporary
11 identification card, for no additional fee, to applicants who are
12 required to submit Request for Live Scan forms for background
13 checks to the Federal Bureau of Investigation and the Department
14 of Justice. This card shall be valid for 120 days. If clearance is
15 received from the Federal Bureau of Investigation and the
16 Department of Justice within 120 days, the county clerk shall
17 immediately issue a permanent identification card to the applicant.
18 Upon request of the applicant, the permanent identification card
19 shall be mailed to the applicant at his or her address of record.
20 Upon renewal of a certificate of registration, the same number
21 shall be assigned, provided *that the applicant is renewing*
22 *registration in the same county in which he or she was previously*
23 *registered and there is no lapse of three or more years in the period*
24 *of registration.*

25 (b) The temporary and permanent identification cards shall be
26 not less than 3¼ inches by 2 inches and shall contain at the top
27 the title, "Registered Process Server," followed by the registrant's
28 name, address, registration number, date of expiration, and county
29 of registration. In the case of a natural person, it shall also contain
30 a photograph of the registrant in the lower left corner. The
31 identification card for a partnership or corporation registration
32 shall be issued in the name of the partnership or corporation, and
33 shall not contain a photograph.

34 ~~SEC. 14.~~

35 SEC. 15. Section 22457 of the Business and Professions Code
36 is amended to read:

37 22457. (a) The county clerk shall maintain a register of
38 professional photocopiers, assign a number to each professional
39 photocopier, and issue an identification card to each one.
40 Additional cards for employees of professional photocopiers shall

1 be issued upon the payment of a fee for each card in an amount
2 sufficient to cover the reasonable regulatory costs associated with
3 the issuance of additional cards, as determined by the county clerk.
4 Upon renewal of registration, the same number shall be assigned,
5 provided *that the applicant is renewing registration in the same*
6 *county in which he or she was previously registered and there is*
7 no lapse of three or more years in the period of registration.

8 (b) The identification card shall be a card not less than ~~3~~³/₄ *three*
9 *and one-quarter* inches by ~~2~~ *two* inches, and shall contain at the
10 top the title, "Professional Photocopier" followed by the registrant's
11 name, address, registration number, date of expiration, and county
12 of registration. It shall also contain a photograph of the registrant
13 in the lower left corner. The identification card for a partnership
14 or corporation registration shall be issued in the name of the
15 partnership or corporation, and shall not contain a photograph.
16 The identification card for an employee of a professional
17 photocopier or a partnership or corporation shall contain a
18 photograph of the employee in the lower left corner.

19 (c) The identification card for an employee of a professional
20 photocopier or a partnership or corporation shall be issued in the
21 name of the employee and include "Employee of: [insert name of
22 the professional photocopier or the partnership or corporation]."

23 ~~SEC. 15.~~

24 *SEC. 16.* No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution for certain
26 costs that may be incurred by a local agency or school district
27 because, in that regard, this act creates a new crime or infraction,
28 eliminates a crime or infraction, or changes the penalty for a crime
29 or infraction, within the meaning of Section 17556 of the
30 Government Code, or changes the definition of a crime within the
31 meaning of Section 6 of Article XIII B of the California
32 Constitution.

33 However, if the Commission on State Mandates determines that
34 this act contains other costs mandated by the state, reimbursement
35 to local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.